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DATE 02/13/07

INVOICE NO. 226713

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DRAFT INVOICE
FOR LEGAL SERVICES RENDERED FROM FEBRUARY 1 - 13, 2007

RE: GMP ASSOCIATES - CONTRACT DISPUTE
(7392-3)

Alston Hunt Floyd & Ing

ALVIN L. THOMAS II
Client: 7392-3
Invoice No.: 226713

February 13, 2007
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<u>DATE</u>	<u>TIME</u>	<u>BY</u>	<u>DESCRIPTION</u>
02/02/07	1.00	MFK	review of GMP's Motion to Modify the Special Report and draft email summary to clients on GMP's objections, counter-arguments to same, and <i>[Redact Protected Attorney-Client Privileged Communication]</i>
02/05/07	0.30	MFK	emails with J. Carmicheal and call with A. Thomas re GMP's Motion to Modify and objections to Special Report and case strategy re countering same and <i>[Redact Protected Attorney-Client Privileged Communication]</i>
02/06/07	3.30	MFK	calls (2) with J. Carmichael re <i>[Redact Protected Attorney-Client Privileged Communication]</i> and responding to GMP's objections, timing of deadlines on same, and <i>[Redact Protected Attorney-Client Privileged Communication]</i> ; review GMP's objections to special report, declaration of counsel and exhibits in support of same, and magistrate judge's ruling on ceiling for damages in nature in assumpsit claims and that award under 25% ceiling in preparation of drafting; review

EXHIBIT 9

<u>DATE</u>	<u>TIME</u>	<u>BY</u>	<u>DESCRIPTION</u>
			GMP's opposition to motion for fees and Synagro's reply on amended motion for arguments related to ceiling on assumpsit claims to support opposition argument that issue previously raised by GMP and properly considered by court; review district court rules (FRCP 53 and L.R. 53.2) and conduct research of district court cases on standard of review for objections to special report; review deposition transcripts for Wagdy Gurguis and P. Melynk re damages claimed by GMP in counterclaim, clarification of nature of implied contract claim and work encompassed in implied contract, and value of implied contracts, comparison to overall contract and work to Andritz and CBI, and claim for profits for supporting testimony to support opposition and to counter GMP's descriptions and arguments on testimony; draft opposition to motion to modify special report - draft statement of facts related to factual case background and procedural background from filing of complaint and counterclaim to summary judgment order and draft standard of review for objections to conclusions of law and finding of facts for special reports
02/07/07	3.70	MFK	draft statement of fact in support of opposition to GMP's Motion to Modify/Objections to Special Report - drafting sections on general case background, procedural background on complaint and counterclaim and relevant paragraphs in counterclaim on damages sought for implied contract claim, and proceedings on motions for summary judgment; review deposition testimonies of Guirguis and Melnyk to conform statements made by GMP in Motion to Modify and review other portions of depositions to locate testimony refuting same and affirming Synagro's position on GPM's claim of damages
02/08/07	4.00	MFK	review GMP's prior representations in pleadings and declarations supporting pleadings for additional statements confirming GMP's claim on damages related to implied contract; continuing drafting statement of facts - sections on procedural background on motion for fees and bill of costs, parties' arguments in those pleadings relevant to issues in opposition to motion to modify, and expand on GMP's representations in prior pleading on damages for implied contract and expand on deposition testimony excerpts to refute GMP's

<u>DATE</u>	<u>TIME</u>	<u>BY</u>	<u>DESCRIPTION</u>
			arguments and incorrect interpretation of deposition testimony, and summary of Court's primary ruling in Special Report on Fees and Costs
02/09/07	7.30	MFK	draft arguments for opposition to modify special report - arguments on recommended award not exceeding 25% of amount prayed for in complaint, the amount sued for my GMP in counterclaim, that damages sought by GMP not limited to 10% of profits, and that Synagro is entitled to recover the fees incurred in opposing GMP's meritless objections in motion to modify; draft introductory summary for opposition of primary arguments and counter-arguments to GMP's contentions in Motion to Modify
02/10/07	2.80	MFK	review and revise draft of opposition to motion to modify to final; email to P. Alston on draft of same and summary of arguments raised; meeting with P. Alston on opposition and including arguments of undue delay of action by GMP and its refusal to settle dispute and Synagro's incurring significant fees defending counterclaim; expand footnote in opposition on same
02/10/07	0.30	PA	review draft of opposition to Motion to Modify
02/11/07	0.10	MFK	email from P. Alston on comments to opposition on Motion to Modify
02/12/07	0.50	MFK	insert exhibit references in opposition and confirming exhibits throughout pleading; emails with N. Kanada re supporting declaration for exhibits and clarifying exhibits for opposition
02/12/07	0.80	NMK	work on declaration in support of opposition to motion to modify special report (.3); compile/prepare exhibits in support of opposition to motion to modify special report (.5)
02/13/07	2.80	MFK	meeting with N. Kanada re clarifying exhibits to opposition; review pleadings and order related to motion to continue and motion for leave and limited discovery by GMP to support declaration and opposition arguments; review draft of declaration and expand declaration to include relevant facts on settlement offers, GMP's failure to respond to same, and frivolous filings

<u>DATE</u>	<u>TIME</u>	<u>BY</u>	<u>DESCRIPTION</u>
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by GMP and its efforts to delay proceedings; review HRE 408 on permissible use of facts related to settlement offers and include footnote on same in declaration; review and revise declaration to final; emails with D. Taira re draft invoice of billing to date and review draft invoice and revise to redact privileged communications and remove entries unrelated to opposition; re-calculate additional attorneys' fees with hourly rate established in Special Report; expand opposition footnote on GMP's delay tactics and review and revise opposition to motion to modify to final for filing to include declaration paragraphs and supra citations, discussion on invoice billing and revisions and re-calculations, and review compiled opposition, declaration of counsel, and exhibits to final for filing

02/13/07	0.80	NMK	continue to work on compiling/preparing exhibits in support of opposition to motion to modify special report; revise declaration in support of opposition
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<u>BY</u>	<u>RATE</u>	<u>HOURS</u>	<u>AMOUNT</u>
PA	450.00	0.30	\$ 135.00
MFK	135.00	25.80	\$ 3,483.00
NMK	100.00	1.60	\$ 160.00
TOTALS:		27.10	\$ 3,778.00

**REVISED CALCULATION OF FEES ACCORDING TO
ADJUSTED HOURLY RATES IN SPECIAL REPORT**

PA	300.00 (Instead of \$450)	0.30	\$ 90.00
MFK	135.00 (same)	25.80	\$ 3,483.00
NMK	100.00 (Instead of \$100)	1.60	\$ 128.00
TOTALS:		27.10	\$ 3,701.00